



February 3, 2015

VIA CERTIFIED MAIL

Return Receipt Requested

Georgia Services Administration
c/o Atlanta North Service Center
401 West Peachtree Street
Room 1900
Atlanta, GA 30308

RE: Internal Revenue Services Building
2385 Chamblee Tucker Road, Chamblee, GA 30341
Our Client: (b) (6)
Date of Loss: (b) (4)

To Whom It May Concern:

NOTICE OF REPRESENTATION

Please be advised that our firm has been retained to provide legal representation on behalf of the above-referenced claimant concerning personal injuries caused by the clear negligence of store employees. Please do not attempt to speak with our client with regard to the facts surrounding this incident or his subsequent medical treatment.

PRE-SUIT REQUEST FOR DISCLOSURE OF INSURANCE INFORMATION

Pursuant to Georgia law,¹ we hereby request that you provide us with any and all insurance policies which may provide coverage for this loss. Copies of the Declaration Pages of all policies which may provide coverage with regard to this incident may be substituted for the specific information requested above.

On October 8, 2014, (b) (6) was crushed between the elevator doors. After the incident, our client was taken to a hospital emergency room for treatment of personal injuries caused by the hazardous condition of elevator doors closing on him.

Under Georgia law, an owner or occupier of land is liable for damages to an invitee customer for injuries caused by his failure to exercise ordinary care in keeping the premises and approaches safe.² Here, the owner of the premises and the representatives, agents, and employees of that owner are under a statutory duty to keep the areas open to its customers in a safe

¹ O.C.G.A. § 33-3-28(a).

² O.C.G.A. § 51-3-1.

condition. Because this hazardous condition of the elevator doors closing too soon was allowed to exist, this duty was not upheld and the premises were unsafe. As a result, our client was crushed and sustained serious injuries.

**NOTICE OF CONTEMPLATED LITIGATION TO TORTFEASORS
AND DEMAND THAT EVIDENCE BE PRESERVED
AND NOT DESTROYED, MODIFIED, ALTERED, OR CHANGED**

This Anti-Spoliation Letter gives you notice of contemplated litigation against you on behalf of our client for his personal injuries resulting from this incident. "Spoliation" refers to the destruction or failure to preserve evidence that is necessary to contemplated or pending litigation.³ As such, you are to preserve and maintain ***all evidence related to this incident***. If you fail to preserve and maintain this evidence, we will seek all sanctions available under Georgia law.⁴ We specifically demand that the following evidence be maintained and preserved and not be destroyed, modified, altered, repaired, or changed in any manner:

- (1) Any video documentation of the incident itself as well as pertinent video documentation both before and after the incident;
- (2) Any records of incidents where employees and patrons have been injured on the premises;
- (3) Any photographs of the scene of the incident; any statements given by any witness to this incident;
- (4) Your entire training manual for employees of the premises;
- (5) Office procedures and memorandums concerning training and safety for all employees;
- (6) All contractors, subcontractors, or any other building personnel responsible for the maintenance and/or repair of the area where this incident occurred;
- (7) Any e-mails, electronic messages, letters, memos, and/or any other documents pertaining to this incident;
- (8) Any documents regarding any government inspections of the premises.

The foregoing list is not intended to be exhaustive. We specifically request that **all evidence** related to this incident be preserved.

Sincerely,

THE KEENER LAW FIRM

(b) (6)

Travis J. Little

TJL:adw

Enclosure: Policy Limits Disclosure Letter

³ Wal-Mart Stores v. Lee, 290 Ga. App. 541, 544, 659 S.E.2d 905 (2008).

⁴ R. A. Siegel Co. v. Bowen, 246 Ga. App. 177, 539 S.E.2d 873 (2000); Chapman v. Auto Owners, 220 Ga. App. 539, 469 S.E.2d 783 (1996).

STATE OF GEORGIA

COUNTY OF COBB

REQUEST FOR PRE-SUIT DISCLOSURE OF POLICY LIMITS

I, Edward Cook, hereby declare that I have a claim against ALL PARTIES for injuries and damages sustained in an incident which occurred on 10/8/2014. It is my opinion that the above-referenced party is liable for this incident and therefore liable for the resulting damages.

Pursuant to O.C.G.A., Section 33-3-28 (a) (1), I hereby request that you provide a statement under oath of a corporate officer or the claims manager stating with regard to each known policy of insurance issued by it, including excess or umbrella insurance, the name of the insurer, the name of each insured, and the limits of coverage. You may provide a copy of the declaration page of each policy in lieu of providing such information.

Please forward this information to my attorney at:

THE KEENER LAW FIRM
640 Village Trace NE
Building 16, Suite A
Marietta, GA 30067-4153
(770) 955-3000
(770) 955-3036 fax

This 22 day of January, 2015

(b) (6)

Claimant Signature

Sworn to and subscribed before me
this 22 day of January, 2015

(b) (6)

NOTARY PUBLIC

